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OFFICE OF PETITIONS

In re Application of :
Acemoglu et al. :
Application No. 10/089,038 : **DECISION ON PETITION**
Filed: 03/25/2002 :
Attorney Docket No. 4-31153A :

This is a decision on the petition under 37 CFR 1.181, filed September 29, 2006, to withdraw the holding of abandonment for the above-identified application.

On January 5, 2004, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on October 4, 2004.

In the present petition, applicants asserted that they submitted a timely reply to the nonfinal Office action accompanied by a request for an extension of time for response within the third month. After reviewing the record, the Office located the reply and the request for an extension of time for response filed on July 6, 2004, in an incorrect application file, No. 10/080,038. Moreover, applicants submitted an itemized date-stamped postcard receipt, acknowledging receipt of the reply and the extension of time (and fee) in the USPTO on July 6, 2004.

In view of the above, the petition under 37 CFR 1.181 is granted. The papers and fee have been transferred to the present application. The holding of abandonment is withdrawn and the application is restored to pending status.

This matter is being referred to Technology Center Art Unit 1621 for processing of the amendment filed on July 6, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christina Tartera Donnell

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